



General Assembly

January Session, 2005

Raised Bill No. 1238

LCO No. 3901

03901_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT PROHIBITING THE SALE OF CANDY FLAVORED
CIGARETTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 12-302 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2005*):

4 (b) No distributor shall affix, or cause to be affixed, to a package of
5 cigarettes sold or distributed by such distributor, stamps, if the
6 package (1) is not labeled in conformity with the requirements of the
7 federal Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC
8 1331 et seq., or any other federal requirement for the placement of
9 labels, warnings and other information, applicable to packages of
10 cigarettes that are intended to be sold within the United States; (2)
11 bears any label or notice prescribed by the United States Department
12 of Treasury to identify cigarettes intended for export and exempt from
13 tax by the United States pursuant to 26 USC 5704(b), including "For
14 export only", "U.S. Tax-exempt", "For use outside U.S." or similar
15 wording indicating that the manufacturer did not intend that the
16 product be sold within the United States, including any notice or label

17 described in 27 CFR 290.185; (3) has been imported into the United
 18 States after January 1, 2000, in violation of 26 USC 5754 or regulations
 19 adopted thereunder; (4) in any way violates federal trademark or
 20 copyright law or if all federal taxes due have not been paid on the
 21 cigarettes; (5) has been modified or altered by a person other than the
 22 manufacturer or person specifically authorized by the manufacturer,
 23 including modification or alteration by the placement of a sticker or
 24 label to cover information, including the wording, labels or warnings
 25 described in subdivision (1) or (2) of this subsection, on the package;
 26 [or] (6) has been manufactured or sold by a tobacco product
 27 manufacturer that is in violation of subdivision (2) of subsection (a) of
 28 section 4-28i or section 4-28j and the distributor has been notified by
 29 the commissioner of such violation; or (7) is known to the dealer to
 30 contain candy or candy-like flavors prohibited by regulations adopted
 31 by the Commissioner of Public Health pursuant to section 3 of this act.
 32 Notwithstanding the provisions of section 12-15, the commissioner
 33 may disclose to the public the name of any person who has violated
 34 the provisions of section 4-28i or 4-28j.

35 Sec. 2. Subsection (b) of section 12-303 of the general statutes is
 36 repealed and the following is substituted in lieu thereof (*Effective July*
 37 *1, 2005*):

38 (b) No dealer shall affix, or cause to be affixed, to a package of
 39 cigarettes sold or distributed by such dealer, stamps, if the package (1)
 40 is not labeled in conformity with the requirements of the federal
 41 Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC 1331 et
 42 seq., or any other federal requirement for the placement of labels,
 43 warnings and other information, applicable to packages of cigarettes
 44 that are intended to be sold within the United States; (2) bears any
 45 label or notice prescribed by the United States Department of Treasury
 46 to identify cigarettes intended for export and exempt from tax by the
 47 United States pursuant to 26 USC 5704(b), including "For export only",
 48 "U.S. Tax-exempt", "For use outside U.S." or similar wording indicating
 49 that the manufacturer did not intend that the product be sold within

50 the United States, including any notice or label described in 27 CFR
 51 290.185; (3) has been imported into the United States after January 1,
 52 2000, in violation of 26 USC 5754 or regulations adopted thereunder;
 53 (4) in any way violates federal trademark or copyright law or if all
 54 federal taxes due have not been paid on the cigarettes; (5) has been
 55 modified or altered by a person other than the manufacturer or person
 56 specifically authorized by the manufacturer, including modification or
 57 alteration by the placement of a sticker or label to cover information,
 58 including the wording, labels or warnings described in subdivision (1)
 59 or (2) of this subsection, on the package; [or] (6) has been
 60 manufactured or sold by a tobacco product manufacturer that is in
 61 violation of subdivision (2) of subsection (a) of section 4-28i or section
 62 4-28j and the dealer has been notified by the commissioner of such
 63 violation; or (7) is known to the distributor to contain candy or candy-
 64 like flavors prohibited by regulations adopted by the Commissioner of
 65 Public Health pursuant to section 3 of this act. Notwithstanding the
 66 provisions of section 12-15, the commissioner may disclose to the
 67 public the name of any person who has violated the provisions of
 68 section 4-28i or 4-28j.

69 Sec. 3. (NEW) (*Effective July 1, 2005*) (a) No licensed distributor or
 70 unclassified importer shall knowingly sell, offer for sale or possess
 71 with intent to sell, any roll-your-own tobacco, chewing tobacco or
 72 snuff tobacco products that contain candy or candy-like flavors.

73 (b) The Commissioner of Public Health shall adopt regulations, in
 74 accordance with chapter 54 of the general statutes, specifying which
 75 candy or candy-like flavors are prohibited under the provisions of
 76 subsection (a) of this section and sections 12-302 and 12-303 of the
 77 general statutes, as amended by this act. Such prohibited candy or
 78 candy-like flavors shall include, but not be limited to, berry,
 79 strawberry, raspberry, cranberry, boysenberry, blackberry, blueberry,
 80 cherry, peach, kiwi, guava, mango, pear, plum, apricot, passion fruit,
 81 raisin, grape, apple, banana, pineapple, coconut, watermelon,
 82 tangerine, orange, mandarin, lemon, lime, or any other fruit flavor,

83 cinnamon, coffee, toffee, butterscotch, almond, hazelnut, peanut or any
84 other nut flavor, mocha, vanilla, licorice and chocolate.

85 Sec. 4. Section 12-330e of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective July 1, 2005*):

87 The commissioner may suspend or revoke the license of any
88 distributor or unclassified importer for failure to comply with any
89 provision of section 3 of this act, this chapter, or regulations related
90 thereto, following a hearing with respect to which notice in writing,
91 specifying the time and place of such hearing and requiring such
92 distributor or unclassified importer to show cause why such license
93 should not be revoked, is mailed or delivered to such distributor or
94 unclassified importer not less than ten days preceding the date of such
95 hearing. Such notice may be served personally or by registered or
96 certified mail. The commissioner shall not issue a new license to a
97 former licensee whose license was revoked unless the commissioner is
98 satisfied that such former licensee will comply with the provisions of
99 this chapter or regulations related thereto.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	12-302(b)
Sec. 2	<i>July 1, 2005</i>	12-303(b)
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>July 1, 2005</i>	12-330e

Statement of Purpose:

To prohibit the sale of cigarettes, roll-your-own tobacco, chewing tobacco or snuff tobacco that contain candy or candy-like flavors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]